



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM  
and  
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

C.M.A.No.708 of 2022  
and  
C.M.P.No.5136 of 2022

A.Moorthy ... Appellant  
Vs.  
Sangeetha Priya ... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 19 of the Family Court Act 1984 to set aside the fair and decretal order made in I.A.No.01/2020 in H.M.O.P.No.462 of 2019 dated 10.01.2022 on the file of the Additional Principal Family Court, Coimbatore.

For Appellant : Mr.C.Veera Raghavan

#### JUDGMENT

[Judgment of the Court was delivered by K.KALYANASUNDARAM,  
J.]

This appeal is directed against the order passed by the Additional Principal Family Court, Coimbatore in I.A.No.1 of 2020 in H.M.O.P.No.462 of 2019, dated 10.01.2022, wherein, the Family Court has ordered interim maintenance in favour of the respondent.

#### 2.The facts in brief:-

The marriage between the appellant and the respondent was solemnized on 14.11.2011 at Rajalakshmi Thirumana Mandapam, Pudupalayam, Coimbatore. The appellant/husband filed HMOP No.462 of 2019 under Section 13(1)(i-a) & 13(1) (i-b) of the Hindu Marriage Act for dissolving the marriage. During the pendency of the original petition, the respondent/wife filed I.A.No.1 of 2020 seeking interim maintenance of Rs.30,000/- per



month under Section 24 of the Hindu Marriage Act. The learned Judge directed the appellant to pay a sum of Rs.15,000/- per month as interim maintenance. Challenging the same, the present appeal has been filed.

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3.Mr.C.Veera Raghavan, learned counsel appearing for the appellant/husband would vehemently contend that the parties lived together only for a period of 28 days and the respondent/wife has deserted the appellant without any valid reasons and hence, the respondent is not entitled for interim maintenance. It is also contended that the restitution petition filed by the respondent before the Sub-Court, Mettupalayam was dismissed for non-prosecution.

4.This Court carefully considered the submission of the learned counsel appearing for the appellant and perused the materials available on record.

5.In the instant case, the relationship of the parties is not in dispute. The respondent/wife, in the interim application, has stated that she is unemployed, whereas, the appellant, by working as a 'Teacher' in the Government School at Thondamuthur, Coimbatore, is receiving salary of Rs.70,000/- per month. The appellant contested the interim application stating that his wife is a MCA Graduate and she owns immovable properties and also getting regular income therefrom. It is seen from the records that the respondent not only filed the petition for restitution of conjugal rights, but also filed maintenance case under Section 125 Cr.P.C and also a petition under Domestic Violation Act. The appellant has admitted during the course of hearing before the Family Court that his gross salary is Rs.82,573/- and net salary is Rs.67,909/-. Taking note of these aspects, the Family Court directed the appellant to pay a sum of Rs.15,000/- per month as interim maintenance.

6.In the light of the above facts, we find no reason to interfere with the order impugned in this appeal. Considering the fact that the divorce petition is pending for the past three years and it is posted for enquiry, the Additional Principal Family Court, Coimbatore, is directed to dispose of the main Original Petition, on merits and in accordance with law, as expeditiously as possible preferably within a period of six months from the date of receipt of a copy of this Judgment. The parties are directed to co-operate for disposal of the case. It is made clear that if the respondent does not extend her co-operation for disposal of the cases as indicated above, the Family Court shall set aside the order granting interim maintenance to her.



7. With the above directions, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

skn

To

The Additional Principal Family Court,  
Coimbatore.

+1cc to Mr.C.Veera Raghavan, Advocate, S.R.No.21136

C.M.A.No.708 of 2022  
and  
C.M.P.No.5136 of 2022

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NSK 06/05/2022